**HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES**
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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Wednesday, April 24, 2019
86th Legislature, Number 51
The House convenes at 10 a.m.
Part Three

Two bills are on the Major State Calendar, one joint resolution is on the Constitutional Amendments Calendar, and 69 bills are on the General State Calendar for second reading consideration today. The bills and joint resolutions analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

Dwayne Bohac
Chairman

**HOUSE RESEARCH ORGANIZATION**
Daily Floor Report
Wednesday, April 24, 2019
86th Legislature, Number 51
Part 3


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SUBJECT: Requiring cybersecurity training for certain employees and contractors

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 11 ayes — Phelan, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Springer

0 nays

2 absent — Hernandez, Smithee

WITNESSES: For — (*Registered, but did not testify*: Russell Mullins, Alterity Solutions, Inc.; Jim Keffer, City of Del Rio; James Dickey, Republican Party of Texas; Justin Yancy, Texas Business Leadership Council; Nora Belcher, Texas e-Health Alliance; Deborah Giles, Texas Technology Consortium; Joe Buser, Traveling Coaches, Inc.; Russell Hayter)

Against — None

On — (*Registered, but did not testify*: Troy Alexander, Texas Medical Association)

BACKGROUND: Government Code sec. 2054.518 requires the Department of Information Resources (DIR) to develop a plan to address cybersecurity risks and incidents. To support the plan's implementation, DIR may enter into an agreement with a national organization to provide for certain items as listed in statute.

In selecting a national organization, DIR must consider the organization's previous experience in conducting cybersecurity training and exercises for state agencies and political subdivisions.

It has been noted that the integration of information technology into the duties of many state and local government employees and contractors has created points of vulnerability for government data systems that hold sensitive information. Some have suggested that increased training and development of best practices could minimize Texas' cybersecurity risk.

DIGEST:

CSHB 3834 would require the Department of Information Resources (DIR), in consultation with the state cybersecurity council and industry stakeholders, to annually certify at least 20 cybersecurity training programs for state and local government employees and to update standards for maintenance of certification by the training programs.

To be certified, a training program would have to include activities, case studies, hypothetical situations, and other methods that focused on forming information security habits and procedures that protected information resources and taught best practices for detecting, assessing, reporting, and addressing threats.

DIR could contract with an independent third party to certify the training programs and would have to annually publish on its website the list of certified programs.

The bill would require a state or local government employee that used a computer for at least 25 percent of the employee's duties to complete a cybersecurity training program at least once a year. A local government or state agency could select the most appropriate training program for its employees and would have to verify program completion and require periodic audits to ensure compliance.

CSHB 3834 would require any contractor who had access to a state computer system or database to complete a cybersecurity training program during the term of the contract and any renewal period. The required completion of a cybersecurity training program would be included in the terms of an awarded contract. A contractor would have to verify program completion to the contracting state agency, and the agency's contract manager would report the completion to DIR and conduct periodic audits to ensure compliance.

Under the bill, DIR no longer would have to consider a national organization's previous experience in conducting cybersecurity training and exercises for state entities before entering into an agreement for support in implementing a cybersecurity risks and incidents plan under Government Code sec. 2054.518. The agreement no longer would have to include provisions for:

- providing fee reimbursement for appropriate industry-recognized certification exams;
- developing and maintaining a cybersecurity risks and incidents curriculum; or
- delivering to certain state agency personnel routine training related to protecting and maintaining IT systems, implementing best practices, and mitigating cybersecurity risks and incidents.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019, and would apply to a contract entered into or renewed on or after the effective date.

SUBJECT: Changing the surety bond requirements for deputy clerks and employees

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — Jim Huff, Live Oak County

Against — (*Registered, but did not testify*: Aimee Bertrand, Harris County Commissioners Court)

On — (*Registered, but did not testify*: Patti Henry, County and District Clerks' Association of Texas; Russell Schaffner, Tarrant County)

BACKGROUND: Government Code sec. 51.309 requires a district clerk to obtain a surety bond to cover each deputy clerk or a schedule or blanket surety bond to cover more than one deputy clerk and all other employees of the office. Such bonds are required to be on the same conditions and in the same amount as the district clerk.

Local Government Code sec. 82.002 requires a county clerk that has only a single deputy clerk to execute a surety bond to cover the deputy clerk. If there is more than one deputy clerk, the county clerk is required to execute a schedule or blanket surety bond to cover all the deputy clerks and all other employees. Such bonds are required to be on the same conditions and in the same amount as the county clerk.

It has been suggested that the surety bond requirements for district and county deputy clerks are inconsistent and could be confusing.

DIGEST: CSHB 1494 would change the surety bond requirements for a district or county clerk's deputy clerks and employees.

Under the bill, a district clerk or county clerk would have to obtain either:

- an individual surety bond for each deputy clerk or other employee in an amount equal to the district or county clerk's bond; or
- a schedule or blanket surety bond to cover all deputy clerks and all other employees in a total amount equal to the district's clerk's or county clerk's bond.

This bill would take effect September 1, 2019.

SUBJECT: Revising the regulation of certain occupations; authorizing fees

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 10 ayes — T. King, Goldman, Geren, Guillen, Harless, Hernandez, K. King, Kuempel, Paddie, S. Thompson

0 nays

1 absent — Herrero

WITNESSES: For — (*Registered, but did not testify*: Tchad Taormina, Texas Automotive Recyclers Association)

Against — (*Registered, but did not testify*: Joe Cooper, Plumber and Pipefitters Local 286; Leonard Aguilar, Southwest Pipe Trade Association; Rene Lara, Texas AFL-CIO; Lee Medley, United Steelworkers District 13 Council; Russell Shelton)

On — (*Registered, but did not testify*: Brian Francis, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code sec. 2309.106 requires the Texas Department of Licensing and Regulation (TDLR) to conduct risk-based inspections on used automotive parts recyclers. The recycler is required to pay a fee for each inspection, with the amount set by the Texas Commission of Licensing and Regulation (TCLR).

Sec. 2309.154 requires a person employed by a used automotive parts recycler to hold a license, with the requirements for issuance of the license set by TCLR.

Sec. 605.259 allows TDLR to issue a registered orthotic technician or registered prosthetic technician certificate.

Sec. 202.6011 requires TCLR to develop a standardized penalty schedule

and penalty amounts for the punishable conduct of podiatrists related to their licensed occupation.

Sec. 202.2025 requires the executive director of TDLR to develop, implement, and enforce a written policy for determining the priority of complaints against podiatrists for investigation and resolution.

DIGEST: CSHB 2847 would prohibit political subdivisions from passing or enforcing any regulations on licensed occupations already regulated in state law. The bill also would repeal specific regulations on certain licensed occupations, make confidential the personal information of patients and certain licensed professions pertaining to complaints and investigations, revise regulations pertaining to driver education instruction licensing, and revise certain licensing display and authentication requirements.

**Restrictions on local ordinances.** CSHB 2847 would prohibit a political subdivision from requiring an additional license other than the state license from a licensed occupational worker. The bill also would prohibit a political subdivision from requiring any other precondition to engage in a state-licensed occupation.

**Confidentiality of personal information.** The bill would make confidential personal information involving a complaint or investigation concerning athletic trainers, behavior analysts, dietitians, dyslexia practitioners and dyslexia therapists, hearing instrument fitters and dispensers, massage therapists, midwives, orthotists and prosthetists, podiatrists, and speech-language pathologists and audiologists. The personal information would not be subject to disclosure under public information laws or other legal compulsion.

Information related to a complaint or investigation could be disclosed to:

- a person involved with the Texas Department of Licensing and Regulation (TDLR) in a disciplinary action;
- a respondent or the respondent's authorized representative;
- government agencies if the agency protected the identity of any examined patients;

- a professional licensing, credentialing, or disciplinary entity in another jurisdiction;
- a peer assistance program approved by the Texas Commission of Licensing and Regulation (TCLR), including those of another jurisdiction;
- a peer review committee verifying the person's application;
- a law enforcement agency; and
- a person engaged in bona fide research if all individual-identifying information is deleted.

TDLR could not be compelled to release personal information to those listed above if it had not issued a notice of alleged violation relating to the information. TDLR could temporarily withhold information if its release would jeopardize an investigation and could release information regarding a complaint or investigation at any stage of a disciplinary action.

The department would have to protect the personal information of any patient who was part of a disciplinary action against an occupational license holder unless the patient initiated the disciplinary action, was a witness, or had submitted written consent. Notices of alleged violations and final disciplinary actions, including warnings and reprimands, from TDLR, TCLR, or the executive director would not be confidential and would be subject to disclosure.

Changes to the law made by this bill would apply to a disciplinary action initiated and still pending before the effective date of this bill, as well as to disciplinary actions initiated on or after the effective date.

**Driver education instruction.** CSHB 2847 would remove the requirement that a driver education school operate from a physical location and would amend requirements to include adequate testing and security measures for the school's method of instruction. A driver education school would be allowed to teach in any method approved by TDLR.

The bill would revise TCLR standards for driver education instructors and for a driver instructor to be certified as a teaching assistant, driver

education teacher, or supervising teacher. Standards for each are specified in the bill. TDLR, its executive director, or TCLR could adopt different methods to determine the eligibility of an instructor.

A driver education license issued before this bill would be valid until its expiration, and a teaching assistant, driver education teacher, or supervising teacher license would be entitled for renewal if the license holder met the requirements established in this bill.

These provisions would not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of the bill and that was pending before a court or other governmental entity on the effective date.

**Podiatrists.** TDLR could contract with a podiatrist as an expert witness to review, investigate, or prosecute complaints. Except in cases of the witness engaging in fraud, conspiracy, or malice, the witness would be immune from liability and damages arising from the witness' duties in:

- participating in an informal conference to determine the facts of a complaint;
- evaluating evidence and offering an opinion or technical guidance on an alleged violation;
- testifying in a hearing; or
- making an evaluation, report, or recommendation on a complaint.

TCLR could not refuse admittance into an examination or issuance of a license to a podiatrist for past conviction of a felony or a crime involving moral turpitude. This would apply only to a conviction that occurred on or after the effective date of the bill.

The bill would transfer the requirements to develop a system for monitoring compliance of orders by podiatrists from TCLR to TDLR.

The bill would repeal the 15-day time frame for TDLR to notify the subject of a complaint. This would apply only to complaints filed on or after the effective date of the bill.

CSHB 2847 would repeal the requirements for TCLR to develop a standardized penalty schedule for podiatrists and repeal the requirement for TDLR to develop and enforce a written policy for determining the priority of complaints for investigation and resolution.

**Audiologists.** CSHB 2847 would remove the requirement that audiologists or audiologist interns that fit and dispense hearing instruments register with TDLR or comply with a professional code in addition to state regulations. The bill would expand the required contact information in a written contract between an audiologist and the state to include an internet website address.

**Orthotic and prosthetic technicians.** The bill would repeal the registration certificate from TDLR for orthotic or prosthetic technicians as well as applicable TCLR rules regulating the occupation. This provision would not affect the validity of a proceeding pending before a court or other governmental entity on the bill's effective date.

**Dietitians.** The bill would allow TCLR to act as an alternative to TDLR, as appropriate, to regulate dietitians and would repeal the required use of an official seal by a license holder.

**Cosmetologists.** CSHB 2847 would update references for the specified services a licensed cosmetologist or barber could perform, limitations on specialty licenses, and limitations on services offered at an establishment for a person holding a specialty shop license.

**Laser hair removal.** The bill would require TCLR to establish continuing education requirements to renew certificates for laser hair removal.

**Used automotive parts recyclers.** CSHB 2847 would repeal a licensing requirement for used automotive parts employees and would repeal risk-based inspections and related fees for automotive parts recyclers. Relevant licenses would expire on the effective date of the bill, and TCLR would repeal the relevant regulations on used automotive parts employees. The bill would not affect any court case pending on the effective date of the bill and would apply only to an offense or other violation committed after the effective date of the bill.

**Boilers.** CSHB 2847 would remove the requirement that the certificate of operation for a boiler be posted under glass.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

CSHB 2847 would make practical updates to outdated regulations and would make prudent repeals of overly regulated licensed occupations. Simplifying and repealing needless hurdles for occupations would remove barriers to economic activity, helping both customers and workers throughout the state.

The bill would allow a driver education instruction course to be offered entirely online, without the unnecessary requirement that the program maintain a physical space as well.

CSHB 2847 also would add increased confidentiality for patient records related to complaints in the Texas Department of Licensing and Regulation's health-related regulatory programs.

OPPONENTS SAY:

CSHB 2847 could prohibit city regulation of almost any business. As the bill is currently written, any licensed professional or business that must obtain a permit from the state to operate would be exempted from any further precondition, ordinance, order, rule, regulation, law or policy passed by a political subdivision within the state.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of $152,800 in general revenue related funds for fiscal 2020-21.

A floor amendment by the author would add provisions related to general licensing to Occupations Code ch. 51 governing the Texas Department of Licensing and Regulation specifically, rather than Occupations Code ch. 57, which relates to general provisions for licensing.

The amendment would decrease the frequency of inspections for barbering or cosmetology shops from at least once every two years to at least once every fours, except for specialty shops, which would be

inspected once every two years.

The amendment also would decrease the frequency of inspections for used automotive parts recycling facilities from at least once every two years to at least once every four years.

SUBJECT: Requiring disclosure of source data used in school accountability ratings

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Allen

WITNESSES: For — Kevin Barlow and Marcelo Cavazos, Arlington ISD; (*Registered, but did not testify*: Deborah Caldwell, North East ISD; Seth Rau, San Antonio ISD; Dwight Harris, Texas American Federation of Teachers; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Lonnie Hollingsworth, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Chris Frandsen, Texas League Of Women Voters; Dee Carney, Texas School Alliance)

Against — None

On — (*Registered, but did not testify*: Jamie Crowe, Texas Education Agency)

BACKGROUND: Education Code ch. 39, subch. C governs the accreditation process for school districts in the state. Sec. 39.052 requires the commissioner of education to annually determine the accreditation status of each school district on the basis of certain performance measures.

Sec. 39.054 requires the commissioner of education to adopt rules to evaluate school district and campus performance and assign each district and campus a separate performance rating. These ratings follow a scale of A to F, with A being an exemplary performance rating and F reflecting an unacceptable performance.

Some have noted that some of the source data used in determining school districts' accreditation status and performance ratings are not available to districts.

DIGEST: HB 3007 would require the Texas Education Agency to provide each school district with a copy of all the source data submitted to the agency by an entity other than the district that the agency considered when determining the district's accreditation status and the performance ratings for the district's campuses.

The bill would take effect September 1, 2019, and would apply beginning with the 2019-2020 school year.

SUBJECT: Revising hearing conditions for dissolving or converting certain districts

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, T. King, Lang, Nevárez, Price, Ramos

0 nays

1 absent — Oliverson

WITNESSES: For — (*Registered, but did not testify*: Trey Lary, Allen Boone Humphries Robinson LLP; Howard Cohen, Schwartz, Page & Harding, L.L.P.)

Against — None

On — (*Registered, but did not testify*: Todd Galiga, Cari-Michel LaCaille, and Chris Uhlman, Texas Commission on Environmental Quality)

BACKGROUND: Water Code ch. 49, subch. K governs the process by which the Texas Commission on Environmental Quality (TCEQ) may dissolve certain water districts or authorities.

In order to dissolve a district, TCEQ must issue notice and hold a hearing. The commission may enter an order dissolving the district at the conclusion of the hearing if it finds that the district has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding and that the district had no outstanding bond indebtedness.

Under Water Code sec. 54.030, certain water districts may be converted into a municipal utility district by TCEQ if the district adopts a resolution stating that such a conversion would best serve the interest of the district and requesting a hearing on the conversion. Once the commission receives the resolution, either TCEQ or its authorized representative must fix a date, time, and place for the hearing, and notice of the hearing must be circulated in the district.

It has been suggested that simplifying the process to dissolve or convert certain water districts would alleviate burdens currently placed on TCEQ and the applicable water districts.

DIGEST:

CSHB 2914 would allow the Texas Commission on Environmental Quality (TCEQ) adopt an order to dissolve certain water districts without conducting a hearing if the commission received a petition for dissolution from the owners of the majority in value of the land in the district or from the district's board of directors.

Within 10 days of submitting a petition for dissolution, the petitioners would have to:

- provide notice of the petition by certified mail to all the landowners in the district who did not sign the petition and, if the petition was not submitted by the district's board of directors, to the board; and
- certify in writing to TCEQ that this notice had been sent.

The notice would have to inform landowners that they could file a written objection to the district's dissolution within 30 days of receiving the notice. If a landowner filed an objection, TCEQ would be required to hold a hearing on the dissolution of the district. TCEQ would have to mail notice of the hearing to the petitioners, the district's board of directors if the board did not submit the petition, and each landowner who timely filed an objection to the dissolution.

The bill also would remove the requirement that TCEQ hold a hearing when certain water districts requested to be converted into municipal utility districts. Notice of the conversion would have to be published in a newspaper with general circulation in the district once a week for two weeks, and the notice would have to inform all interested persons of how they could offer comments regarding the conversion.

The bill would take effect September 1, 2019.

SUBJECT: Including auctioneer's commission and fees in cost of real property sale

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 8 ayes — Burrows, Guillen, Bohac, Murphy, Noble, E. Rodriguez, Shaheen, Wray

0 nays

3 absent — Cole, Martinez Fischer, Sanford

WITNESSES: For — Bruce Elfant; (*Registered, but did not testify*: Donna Warndof, Harris County Commissioners Court; Alexis Tatum, Travis County Commissioners Court; Idona Griffith)

Against — None

BACKGROUND: Tax Code ch. 33 subch. E allows municipalities and counties to seize an individual's real property for delinquent property taxes, penalties, and interest owed on the property and the amount secured by a lien on the property, following notification to the individual. Sec. 33.92 allows the collector for a municipality or county to apply for a tax warrant after property becomes subject to seizure. Sec. 33.93 specifies that a tax warrant directs the sheriff or a constable in a county and the collector for the municipality or the county to seize the property in the warrant.

Tax Code sec. 34.01(b) requires the officer charged with selling seized property to calculate the total amount due under the judgment, including all taxes, penalties, and interest, plus any amount awarded by the judgment, court costs, and the costs of the sale. The costs of a sale include the costs of advertising and anticipated deed recording fees.

Tax Code sec. 34.01(p) specifies that property seized under ch. 33 subch. E may not be sold for an amount less than the lesser of the market value of the property or the total amount of taxes, penalties, interest, costs, and other claims for which a warrant was issued, except when a bid sufficient to pay this amount is not received.

Interested parties have noted that the cost of the auctioneer's commission and fees in online auctions is not included in the costs of the sale.

DIGEST:

CSHB 2650 would add an auctioneer's commission and fees to the costs of a sale of real property seized under a tax warrant or ordered to be sold pursuant to the foreclosure of a tax lien. The bill also would specify that property seized by a municipality or county could not be sold for an amount less than the lesser of the market value of the property or the total amount of taxes, penalties, interest, costs, auctioneer's commission and fees, and other claims for which a warrant was issued.

The bill would apply to the sale of real property seized under a tax warrant or ordered to be sold pursuant to the foreclosure of a tax lien for which notice was given on or after the effective date of the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Requiring instruction in digital citizenship in the public school curriculum

COMMITTEE: Public Education — favorable, without amendment

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

WITNESSES: For — Maurine Molak, David's Legacy Foundation; (*Registered, but did not testify*: Mary Cullinane, League of Women Voters of Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas Inc.; Marilyn Hartman and Tesia Krezeminski, National Alliance on Mental Illness-Austin; Greg Hansch and Alissa Sughrue, National Alliance on Mental Illness Texas; Deborah Caldwell, North East ISD; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Jan Friese, Texas Counseling Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Suzi Kennon, Texas PTA; Anthony Duke III)

Against — None

On — (*Registered, but did not testify*: Melody Parrish and Monica Martinez, Texas Education Agency; Craig Schiebel)

DIGEST: HB 3018 would require the State Board of Education to require by rule that each school district incorporate digital citizenship instruction into the district's curriculum. The bill would define digital citizenship as the standards of appropriate, responsible and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

The bill would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Requiring certain election information to be posted online

COMMITTEE: Elections — committee substitute recommended

VOTE: 9 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton, Swanson

0 nays

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Cinde Weatherby, League of Women Voters of Texas; Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Kathy Mitchell, Austin Justice Coalition; Amanda Gnaedinger, Common Cause Texas; Daniel Greer, Direct Action Texas; Fatima Menendez, Mexican American Legal Defense and Education Fund; Adrian Shelley, Public Citizen; Daniel Gonzalez and Julia Parenteau, Texas Realtors; Deece Eckstein, Travis County Commissioners Court)

Against — None

On — Chris Davis, Texas Association of Elections Administrators; Christina Adkins, Texas Secretary of State-Elections Division; Brandon Moore

DIGEST: CSHB 933 would require certain election information to be posted on the websites of the secretary of state and of each county.

**Election notices.** The bill would require counties conducting elections to post notices of elections, including the location of each polling place, on their websites at least 21 days before election day. Counties would be required to post notices of elections conducted by other entities, and the locations of each polling place, on their websites within the same time frame.

**County election offices and polling place information.** CSHB 933 would require county officers responsible for administering elections to submit contact information for county election offices to the secretary of

state to be posted on the secretary of state's website. The information also would be posted on counties' websites and would include street and mailing addresses; telephone and fax numbers; and email addresses.

Information about polling places, including early voting polling places, also would be required to be posted on the websites of the secretary of state and each county. Required information would include the names of the buildings in which the polling places were located, street addresses and ZIP codes, and the days and hours of voting at each location. The bill would require this information to be posted in a downloadable format on the secretary of state's website.

The secretary of state would be required to post county election office and polling place information on its website by September 1, 2019. Counties that maintained a website on that date would be required to post the information by October 1, 2019. Other counties would need to post by March 1, 2020.

The bill would allow the secretary of state to solicit and accept gifts, grants, and donations from any public or private source for the creation and maintenance of its website and require it to adopt any rules necessary to receive and post information.

**Other county website information.** CSHB 933 would require several other notices to be posted on county websites, including notices for:

- voting identification requirements to be posted by September 1, 2020;
- training sessions for election judges and county clerks;
- changes in county election precinct boundaries;
- changes in polling place locations;
- details about when a ballot box would be opened to retrieve erroneously placed election records in certain circumstances;
- changes in the early voting period if the early voting clerk was the county clerk;
- branch voting schedules for early voting if the early voting clerk was the county clerk;

- signature verification committees in certain elections;
- logic and accuracy tests; and
- periodic vote tabulation announcements.

**Other secretary of state website information.** CSHB 933 also would require notices to be posted on the secretary of state's website related to voting identification requirements, the time and place of state canvasses, petitions supplementing precinct convention lists, and the time and place for drawing the ballot order of constitutional amendments.

The bill would take effect September 1, 2019.

SUBJECT: Creating an occupational and life skills associate degree program

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — C. Turner, Stucky, Button, Frullo, Howard, E. Johnson, Schaefer, Walle

0 nays

3 absent — Pacheco, Smithee, Wilson

WITNESSES: For — Lee Ann Nutt, Lone Star College; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Annie Spilman, National Federation of Independent Business; Jessica Boston, Texas Association of Business; Kyle Piccola, The Arc of Texas)

Against — None

On — Ashley Ford, Texas Council for Developmental Disabilities; (*Registered, but did not testify*: Rex Peebles, Texas Higher Education Coordinating Board)

BACKGROUND: Interested parties have noted that the Lone Star College System District has an existing program in occupational and life skills that was designed for adults with certain cognitive disabilities and that currently offers no degree. It has been suggested that expanding the program to award an associate degree in occupational and life skills would allow students access to federal student aid.

DIGEST: HB 3165 would authorize the governing board of the Lone Star College System District to establish an occupational and life skills associate degree program at each junior college in the district.

The degree program would have to require a student to successfully complete the junior college's core curriculum and then successfully complete the courses selected by the student in the student's degree plan.

The Texas Higher Education Coordinating Board would be required to adopt rules as necessary for the administration of the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Allowing TJJD to reduce residential program sentences for children

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Dutton, Murr, Calanni, Cyrier, Dean, Lopez, Shine, Talarico

0 nays

1 absent — Bowers

WITNESSES: For — (*Registered, but did not testify*: Fatima Mann, Community Advocacy and Healing Project; Brett Merfish, Texas Appleseed; Lauren Rose, Texas Network of Youth Services)

Against — None

On — Forrest Mitchell, Office of Inspector General, Texas Juvenile Justice Department; JD Robertson, Office of Ombudsman, Texas Juvenile Justice Department; Camille Cain, Texas Juvenile Justice Department; (*Registered, but did not testify*: Seth Christensen, Texas Juvenile Justice Department)

BACKGROUND: Family Code sec. 59.003 allows probation departments, prosecuting attorneys, and juvenile courts to assign children to one of seven sanction levels within the Texas Juvenile Justice Department (TJJD) after a child's first commission of delinquent conduct or conduct indicating a need for supervision. The sanction levels correspond to specific offenses and punishments. For first-degree felonies involving the use of deadly weapons or causing serious bodily injury, aggravated controlled substance felonies, or capital felonies, the sanction level is a six.

Sec. 59.009 allows TJJD, a juvenile board, or a local juvenile probation department, as applicable, to require children at sanction level six to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for at least nine months and no more than 24 months, unless TJJD or another entity extends the stay and the reason for the extension is documented.

Concerns have been raised that TJJD lacks the flexibility to reduce the amount of time that children at sanction level six are required to spend in residential programs, even when reducing the sentence would be in the child's best interest.

DIGEST: HB 3195 would allow the Texas Juvenile Justice Department (TJJD) to reduce the amount of time that children at sanction level six spent in highly structured residential programs as long as the reason for the reduction was documented. The bill also would remove the ability of a juvenile board or local juvenile probation department to require a child to participate in such a program.

The bill would make records of a child's examinations and treatment available to individuals or entities assisting TJJD in providing transition planning and reentry services to the child. TJJD also would be required to provide the court that committed the child to TJJD with a copy of the child's reentry and reintegration plan and a report about the child's progress at least 10 days before the child's release.

HB 3195 would repeal a requirement that a child in a TJJD educational program could not be released on parole unless the child participated in the positive behavior support system and reading instruction.

The bill would not apply to children committed to post-adjudication secure correctional facilities under former law, and the former law would be continued in effect for those children.

The bill would take effect September 1, 2019.

SUBJECT: Satisfying continuing education requirements with claims certifications

COMMITTEE: Insurance — committee substitute recommended

VOTE: 8 ayes — Lucio, Oliverson, S. Davis, Julie Johnson, Lambert, Paul, C. Turner, Vo

0 nays

1 absent — G. Bonnen

WITNESSES: For — Anne Blume, Claims and Litigation Management Alliance; Joel Moore, National Association of Independent Insurance Adjusters; (*Registered, but did not testify*: Jay Thompson, Afact; Joe Woods, American Property Casualty Insurance Association; John Marlow, Chubb; Steve Nelson, Markel Insurance Company, SureTec Insurance Company; Paul Martin, National Association of Mutual Insurance Companies; Wade Long, Texas Surety Federation)

Against — None

On — Nancy Clark, Texas Department of Insurance

BACKGROUND: Insurance Code sec. 4101.059 requires licensed insurance adjusters to participate in continuing education programs to renew their licenses.

Sec. 4004.105 requires continuing education programs to include information related to unfair methods of competition and unfair or deceptive acts or practices, false advertising by unauthorized insurers, unfair claim settlement practices, deceptive trade practices, and other information.

Insurance adjusters can be licensed in multiple states, each with different continuing education requirements. Some have said that the process of renewing licenses across states could be made more efficient by allowing claims certifications issued by national or state associations to satisfy individual states' continuing education requirements.

DIGEST: CSHB 3334 would require the Texas Department of Insurance (TDI) to accept a claims certification that a licensed insurance adjuster received during a license period as satisfaction of any continuing education requirement if:

- the claims certification was issued by a national or state claims association with a certification program;
- the number of hours required to complete the certification program equaled at least the number of hours of continuing education that an adjuster was required to complete during the license period;
- the content of the certification program included content required for insurance adjusters and was available through an electronic portal maintained by the association for review and audit by TDI;
- the association was approved by TDI as a continuing education provider;
- the association reported the adjuster's completion of the certification program to TDI through an electronic portal maintained by TDI; and
- the association provided TDI with access to the adjuster's transcript showing the adjuster's completion of the certification program through an electronic portal maintained by the association.

CSHB 3334 would apply to continuing education requirements for an insurance adjuster's license period beginning on or after January 1, 2020.

The bill would take effect September 1, 2019.

SUBJECT: Notifying stakeholders of a cessation of water fluoridation

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 9 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, T. King, Nevárez, Price, Ramos

0 nays

2 absent — Lang, Oliverson

WITNESSES: For — Matt Roberts, Texas Dental Association; (*Registered, but did not testify*: Donna Warndof, Harris County Public Health Dept; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; David Mintz, Texas Academy of General Dentistry; Craig Holzheauser, Texas Association of City and County Health Officials; Joshua Houston, Texas Impact; Ankita Brahmaroutu, Texas Medical Association; Clayton Travis, Texas Pediatric Society)

Against — (*Registered, but did not testify*: Sandy Dunn)

DIGEST: CSHB 3552 would prohibit an owner, manager, operator, or other person in charge of a public water supply system from permanently terminating the fluoridation of the water unless written notice was provided to the customers of the system and the Texas Commission on Environmental Quality at least 60 days before the termination.

The bill would take effect September 1, 2019.

SUBJECT: Requiring certain students to develop a degree plan

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 10 ayes — C. Turner, Stucky, Button, Frullo, Howard, E. Johnson, Pacheco, Schaefer, Walle, Wilson

0 nays

1 absent — Smithee

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Rex Peebles, Higher Education Coordinating Board)

BACKGROUND: Interested parties have noted that high-quality academic advising could help reduce the number of excess semester credit hours students obtain.

DIGEST: CSHB 3808 would decrease the minimum semester credit hours earned by a student enrolled at a public institution of higher education in an associate's or bachelor's degree program that would trigger the requirement to file a degree plan with the institution.

Each student enrolled at an institution of higher education in an applicable degree program or course would be required to file a degree plan with the institution before the end of the semester or term immediately following the semester or term in which the student earned a cumulative total of 30 semester credit hours, rather than 45. Students who began their first semester or term at a higher education institution with more than 30 semester credit hours would be required to file a degree plan before the end of that semester or term.

The Texas Higher Education Coordinating Board would be required to adopt rules to enforce these changes.

The bill would alter requirements in the Education Code related to the filing of degree plans for students enrolled in a multidisciplinary studies associate degree program to conform with the bill's provisions.

The bill would repeal provisions in the Education Code related to the filing of a degree plan at a public junior college.

The bill would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Incorporating positive character traits in the Texas education curriculum

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Allen

1 present not voting — Dutton

WITNESSES: For — (*Registered, but did not testify*: John Enyeart, Archdiocese of San Antonio; Christine Broughal, Texans for Special Education Reform; Michael Barba and Rebecca Visosky, Texas Catholic Conference of Bishops; Jan Friese, Texas Counseling Association; Linda Litzinger, Texas Parent to Parent; Mary Castle, Texas Values; Ingrid Meyer)

Against — (*Registered, but did not testify*: Stacye Anderson; Beth Maynard; Deborah Nelms; Ruth York)

On — Steve Swanson; (*Registered, but did not testify*: Monica Martinez, Texas Education Agency; Craig Schiebel)

BACKGROUND: Education Code sec. 29.906 allows school districts to create character education programs. Such programs must stress certain positive character traits, use integrated teaching strategies, and be age appropriate. Schools that choose to develop these programs must do so in consultation with a committee created by the district that consists of parents of district students, educators, and other community members.

The Texas Education Agency is required to maintain a list of character education programs that school districts in the state have implemented and may accept money from the federal government and private sources to assist districts to implement these programs.

DIGEST: HB 1026 would require the State Board of Education (SBOE) to integrate positive character traits into the essential knowledge and skills (TEKS) adopted for kindergarten through the 12th grade, as appropriate.

SBOE would have to create a report identifying the manner in which the positive character traits currently required for inclusion in optional character education programs, along with the trait of gratitude, had been integrated into the curriculum. This report would be made publicly available on the board's website.

Each school district and open-enrollment charter school would be required to adopt a character education program that included the positive character traits the SBOE integrated into TEKS. Each school district and open-enrollment charter school would have to submit the adopted program to the Texas Education Agency (TEA) annually.

TEA would be required to designate any school that demonstrated a correlation between its character education program, an increase in student attendance, and a decrease in disciplinary problems, and met certain other criteria as a Character Plus School. The agency would have to use the services of a center for education research established by the Texas Higher Education Coordinating Board and data from school district reports to designate Character Plus Schools.

SBOE could adopt rules as necessary to implement the provisions of the bill. HB 1026 would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY: HB 1026 would strengthen the foundation of character for Texas students by incorporating positive character traits into the essential knowledge and skills taught in public school. This would improve the long-term success of Texas students.

Incorporating character education into the state's required curriculum would set students up for success as they faced challenges in school and in

life. Studies have found that schools that provided character education programs experienced higher standardized test scores in reading and math, lower absenteeism, and fewer suspensions. Because of its positive practical effects on students' education, character education would be consistent with the mission of the public school system.

The bill would not infringe on parental rights because the public school system already is tasked with providing for the well-being and development of Texas students. The bill simply takes advantage of an opportunity to instill commonly accepted Texas values in students.

OPPONENTS SAY:

HB 1026 would require Texas schools to incorporate subjective character education into the curriculum, inappropriately involving the public education system in an area better left to parents and straying from the mission of the state's public education system. Schools should focus their resources on educating students and allow parents to guide the moral development of their children.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about $491,000 on general revenue related funds through fiscal 2020-21.

SUBJECT: Expanding entities from which attorney's fees may be recovered

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — Sean Rooney, National Association of Credit Managers; William Westcott, State Bar of Texas; (*Registered, but did not testify*: Scott Stewart, American Council of Engineering Companies of Texas; Jon Fisher, Associated Builders and Contractors of Texas; Corbin Van Arsdale, Associated General Contractors-Texas Building Branch; Wendy Lambert, Central Texas Subcontractors Association; John McCord, National Federation of Independent Business; Lee Parsley, Texans for Lawsuit Reform; James Hines, Texas Association of Business; Jennifer Fagan, Texas Construction Association; David Lancaster, Texas Society of Architects; Will Adams, Texas Trial Lawyers Association; Thomas Parkinson)

Against — (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso)

BACKGROUND: Civil Practice and Remedies Code sec. 38.001 allows for the recovery of reasonable attorney's fees from individuals and corporations in certain civil cases.

Some have raised concerns that current state law provides challenges for the recovery of attorney's fees in these cases from state agencies and other classes of business entities.

DIGEST: CSHB 790 would add the state or an agency or institution of the state to the list of entities from which a person could recover reasonable attorney's fees that were in addition to the amount of a valid claim and costs if the claim was of a specified nature. The bill also would add to the list a corporation, limited or general partnership, limited liability company,

business trust, real estate investment trust, joint venture, joint stock company, cooperative, association, bank, insurance company, credit union, savings and loan association, or other organization, regardless of whether the organization is for-profit, nonprofit, domestic, or foreign.

The bill would take effect September 1, 2019

SUBJECT: Creating the Chambers County Municipal Utility District No. 3

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 7 ayes — Craddick, Muñoz, C. Bell, Biedermann, Leman, Minjarez, Thierry

0 nays

2 absent — Canales, Stickland

WITNESSES: For — (*Registered, but did not testify*: Andrew Schatte, Americus Holdings, Ltd.; Howard Cohen, Schwartz, Page & Harding, LLP)

Against — None

BACKGROUND: Water Code ch. 49 governs certain special purpose districts that engage in certain water, sewer, drainage, or flood control activities. A district under this chapter has eminent domain authority.

Water Code ch. 54 governs municipal utility districts that may be created for several purposes, including flood control, irrigation, and water conservation.

Interested parties have suggested creating a special purpose district to benefit undeveloped land in Chambers County.

DIGEST: HB 4673 would create the Chambers County Municipal Utility District No. 3. The bill would outline the governing body, election process, and powers of the district and would describe the initial district territory.

**Election.** Temporary directors would be required to hold an election to confirm the creation of the district and to elect five permanent members. An election could not be held without the consent of each municipality in whose corporate limits or extraterritorial jurisdiction the district was located.

**Governing body.** The district would be governed by a board of five elected directors who would serve staggered four-year terms.

On or after the effective date of this bill, the majority of property owners in the district could submit a petition to the Texas Commission on Environmental Quality (TCEQ) requesting five temporary directors. TCEQ would have to appoint the individuals named by the petition, to serve until permanent directors were elected or for four years after this bill took effect.

If permanent directors were not elected during that time, successor temporary directors would be appointed or reappointed in the same manner.

**General powers.** The district would be a municipal utility district with the powers and duties provided under Water Code chs. 49 and 54.

The bill would allow the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey certain roads or road improvements. Road projects would have to meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality or county in which they were located.

If the state would maintain and operate the road, the Texas Transportation Commission would have to approve project plans and specifications.

**Bond authority**. HB 4673 would allow the district to issue bonds or other obligations payable wholly or partly from property taxes, impact fees, revenue, contract payments, grants, other money, or any combination of those sources. The district could issue bonds or obligations secured by contract payments or revenue other than property taxes without an election.

**Property tax.** The district would have to hold an election to obtain voter approval before imposing a property tax or issuing bonds payable from a property tax.

When the district issued bonds payable wholly or partly from property

taxes, the board would have to provide for the annual imposition of a continuing direct property tax, without limit as to the rate or amount, while all or part of the bonds were outstanding.

Bonds payable from a property tax could not be issued to finance a road project unless it was approved by a vote of two-thirds majority of the district voters. The total principal amount of bonds or obligations issued to finance road projects could not exceed one-fourth the assessed value of real property in the district.

**Operation and maintenance tax.** If approved by district voters, the district could impose an operation and maintenance tax on taxable property in the district. The district board would have to determine the tax rate, which could not exceed the rate approved at the election.

**Contract tax.** HB 4673 would allow the district to impose a tax other than an operation and maintenance tax and use the tax revenue to make payments under a contract that had been approved by district voters. A contract could contain a provision allowing the contract to be modified or amended by the board without further voter approval.

**Eminent domain.** If the bill did not receive a two-thirds vote of the membership of each house, the district would be prohibited from exercising the power of eminent domain. The bill would specify that this provision was not intended to be an expression of legislative interpretation of certain constitutional requirements.

**Notice requirements.** HB 4673 would specify that the legal notice of the intention to introduce this bill was published as required by law.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Studying the effects of increasing the maximum weight of sand trucks

COMMITTEE: Transportation — committee substitute recommended

VOTE: 10 ayes — Canales, Landgraf, Bernal, Y. Davis, Hefner, Krause, Leman, Martinez, Ortega, E. Thompson

0 nays

3 absent — Goldman, Raney, Thierry

WITNESSES: For — (*Registered, but did not testify*: Lindsay Mullins, BNSF Railway; Julie Williams, Chevron USA; Angela Smith, Fredericksburg Tea Party; Dennis Kearns, Texas Railroad Association; Terri Hall, Texans United for Reform and Freedom, Texans for Toll-Free Highways; Don Dixon; Matt Long; Michael Belsick)

Against — (*Registered, but did not testify*: Ken Olson)

On — Ginger Goodin, P.E., Texas A&M Transportation Institute

DIGEST: CSHB 2855 would require the Texas A&M Transportation Institute to conduct a study on the impacts to state and local infrastructure, traffic, and safety of increasing the maximum allowable weight for trucks transporting sand.

The institute would be required to submit its report to relevant committees of the Legislature by October 1, 2020.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $450,000 on general revenue related funds through fiscal 2020-21.

SUBJECT: Compensating a child victim of a murder attempt for certain expenses

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 23 ayes — Zerwas, Longoria, C. Bell, G. Bonnen, Buckley, Capriglione, Cortez, S. Davis, M. González, Hefner, Howard, Jarvis Johnson, Miller, Muñoz, Schaefer, Sherman, Smith, Stucky, Toth, J. Turner, VanDeaver, Walle, Wilson

0 nays

4 absent — Minjarez, Rose, Sheffield, Wu

WITNESSES: For — Gyl Switzer, Texas Gun Sense; (*Registered, but did not testify*: Pamela Bixby, League of Women Voters Texas)

Against — None

BACKGROUND: Code of Criminal Procedure ch. 56, subch. B, the Crime Victims' Compensation Act, requires the attorney general to award compensation for pecuniary loss resulting from criminally injurious conduct if the attorney general is satisfied by a preponderance of the evidence that certain criteria are met.

Art. 56.42(d) places a limitation on compensation for victims of stalking, family violence, trafficking, or sexual assault in places of residence. These victims can receive a onetime-only assistance payment of up to $2,000 for relocation expenses and $1,800 for housing rental expenses.

Some have suggested that a child who was the victim of a murder attempt in the child's home should be eligible for compensation for relocation and housing rental expenses similar to what is afforded to victims of certain other crimes, ensuring the victim's safety and assisting in recovery.

DIGEST: HB 2079 would allow a child who was a victim of a murder attempt in the child's home to receive the onetime-only, capped assistance payment for relocation and housing rental expenses that is available to victims of

certain crimes under Code of Criminal Procedure art. 56.42(d).

The bill would take effect September 1, 2019, and would apply only to victims of crimes that were committed on or after that date.

SUBJECT: Expanding information included in health care provider directories

COMMITTEE: Insurance — favorable, without amendment

VOTE: 7 ayes — Lucio, Oliverson, S. Davis, Julie Johnson, Lambert, C. Turner, Vo

0 nays

2 absent — G. Bonnen, Paul

WITNESSES: For — Cameron Duncan, Texas Hospital Association; Richard Snyder, Texas Medical Association; Ray Callas, Texas Society of Anesthesiologists; (*Registered, but did not testify*: Blake Hutson, AARP Texas; Will Schlotter, Capito Anesthesiology Association; Stacey Pogue, Center for Public Policy Priorities; James Mathis, Houston Methodist Hospital; Tucker Frazier, Kyle Frazier Consulting; Daniel Chepkauskas and Kyle Frazier, Patient Choice Coalition of Texas; Marshall Kenderdine, Texas Academy of Family Physicians, Texas Society for Gastroenterology and Endoscopy; Bradford Shields, Texas Association of Freestanding Emergency Centers; Price Ashley, Texas College of Emergency Physicians; Bobby Hillert, Texas Orthopaedic Association; Michael Grimes, Texas Radiological Society; Jenna Courtney, Texas Society of Pathologists; John Henderson, TORCH)

Against — Jamie Dudensing, Texas Association of Health Plans

On — (*Registered, but did not testify*: Jamie Walker, Texas Department of Insurance)

BACKGROUND: Insurance Code sec. 1451.504 requires health benefit plan issuers that offer coverage for health care services through preferred or exclusive providers or through a network of physicians and health care providers to develop and maintain a physician and health care provider directory. The directory must include the name, street address, and telephone number of each physician and health care provider through which a health benefit plan offers coverage and must indicate whether the physician or provider

is accepting new patients.

Insurance Code sec. 1451.505 requires a health benefit plan issuer to clearly display the directory on a public website and to display a link to the website in the electronic summary of benefits and coverage of each health benefit plan the issuer issued.

Insurance Code sec. 1451.501(1) defines "health care provider" as a practitioner, institutional provider, or other person or entity that provides health care services and that is licensed or authorized to practice in Texas. This term includes a pharmacist, pharmacy, hospital, nursing home, or other medical or health-related service facility that provides care. This term does not include physicians.

Health and Safety Code sec. 324.001(7) defines "facility" as a licensed ambulatory surgical center, a licensed birthing center, a licensed hospital, or a freestanding emergency medical care facility.

DIGEST:

HB 2630 would expand the requirements for physician and health care provider directories maintained by health benefit plan issuers to include certain information for health care providers that were facilities.

The bill would define a "facility-based physician" as a radiologist, anesthesiologist, pathologist, emergency department physician, neonatologist, or assistant surgeon with clinical privileges granted by a facility and who provided services to the facility's patients under those privileges.

HB 2630 would require that physician and health care provider directories include the specialty, if any, of each physician and health care provider included in the directory. Directories also would have to be electronically searchable by specialty.

Under the bill, for each health care provider that was a facility included in a directory, the directory would have to:

- list separate headings under the facility name for radiologists, anesthesiologists, pathologists, emergency department physicians,

neonatologists, and assistant surgeons;

- list under each heading each facility-based physician that practiced the specialty corresponding with the heading; and
- clearly indicate each health plan that could provide coverage for the services provided by each facility or facility-based physician.

The directory also would include each facility in a grid listing of all facilities included in the directory with separate columns indicating:

- the name of the facility;
- the municipality in which the facility was located or the county in which the facility was located if the facility was in an unincorporated area;
- the name, street address, and telephone number of any facility-based physician group included under the health benefit plans coverage; and
- each health benefit plan issued by the issuer that could provide coverage for the services provided by a facility or facility-based physician group.

Health benefit plan issuers would be required to update their websites to conform with the provisions of the bill by January 1, 2020.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

HB 2630 would help patients avoid surprise billing events by ensuring that physician and health provider directories clearly indicated which physicians were in-network for a patient in a user-friendly format.

Patients and health care providers currently use directories provided by health plan issuers to make health care choices, making it critical that these directories are easy to navigate and contain accurate information for patients and providers. However, these directories are often unclear and outdated, which can lead patients to inadvertently receive care at an in-network facility by an out-of-network physician. This can lead to surprise billing events for patients who do not have access to clear and updated information from their health benefit plan issuer. HB 2630 would rectify

this by creating uniform standards for health benefit plan issuers' directories, which could help prevent patients from receiving out-of-network care at in-network facilities.

HB 2630 also would ensure that physicians who sought to bring in specialists to provide needed care for their patients could consult in-network. This would further increase transparency for both physicians and patients.

The concern with requiring health plan issuers to include information relating to out-of-network providers in the directories could be addressed by a floor substitute.

OPPONENTS SAY:

HB 2630 would unfairly burden health benefit plan issuers by placing the onus of ensuring the accuracy of physician and health care provider directories exclusively on them. The bill also would mandate the inclusion of information in these directories that only facilities could access.

The bill would place what should be a shared responsibility on health benefit plan issuers alone. Health plans, hospitals, and providers should equally shoulder the responsibility to correct directory inaccuracies.

The bill also would require health benefit plan issuers to include information in directories that would not be available to issuers. Currently, only facilities know which physicians in a hospital on a given day are out-of-network for certain patients. Health benefit plan issuers do not have access to this information and could not include it in their online directories as required by the bill.

NOTES:

The author intends to introduce a floor substitute for the bill that, among other provisions, would remove the requirement to list all facilities in a grid format.

SUBJECT: Preventing students from having an uncertified teacher two years in a row

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Talarico, VanDeaver

1 nay — Sanford

1 absent — Allen

WITNESSES: For — Patty Quinzi, Texas American Federation of Teachers; (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Jo DePrang, Children's Defense Fund-Texas; Chris Masey, Coalition of Texans with Disabilities; Dylan Cromley, League of Women Voters of Texas; Paige Williams, Texas Classroom Teachers Association; Lisa Dawn-Fisher, Texas State Teachers Association; Darren Grissom, Texas PTA; Priscilla Aquino Garza)

Against — (*Registered, but did not testify*: Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Dax Gonzalez, Texas Association of School Boards; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance)

On — (*Registered, but did not testify*: Von Byer, Marilyn Cook, and AJ Crabill, Texas Education Agency)

DIGEST: CSHB 1276 would prohibit a school district with more than 5,000 students from assigning a student in the first through sixth grade who attended an elementary school to an uncertified teacher for two consecutive years.

The prohibition would apply only to teachers who had less than one year of teaching experience and were teaching a foundation curriculum subject for which they were not certified. It would not apply to teachers teaching a subject in the enrichment curriculum.

It would be an exception to this prohibition if the student's parent or another person standing in parental relation to the student and a school counselor or administrator agreed regarding the assignment of the student to the teacher or if the assignment of the student to the teacher occurred during the first year a student transferred into a school district.

The education commissioner could grant a waiver from the requirements of the bill to a school district if the commissioner found that extreme circumstances in the district warranted the waiver.

CSHB 1276 would take effect beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

CSHB 1276 would protect public school students from being taught for two straight years by an inexperienced and uncertified teacher, which can result in a long-term negative impact on students' learning. The bill also would encourage uncertified teachers to acquire certification and incentivize school districts to hire teachers with appropriate certification.

The bill would not negatively affect teacher recruitment because a teacher could still start a career without certification. It also would not unnecessarily burden school districts because it allows for students to be taught by uncertified teachers for more than one year in a row under certain circumstances.

OPPONENTS SAY:

CSHB 1276 would impose another restriction on school districts already burdened by too many compliance requirements, and could make it more difficult for districts to recruit teachers.